

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARGARET MIKE, WILLIAM MIKE,  
SHANNON MIKE and GEORGETTE  
MIKE, individually,

and

SHANNON MIKE and GEORGETTE  
MIKE as parents and next friends of  
AE.M., AU.M.  
and AA.M., minor children,

Plaintiffs,

vs.

No. 1:12-cv-01215 KG/SMV

TERRY McCOY, STEVE JACKSON,  
DAVE McCALL, MANASSEH BEGAY and  
KORY FAULK, individually, and as  
Law Enforcement Officers and Employees of  
SAN JUAN COUNTY SHERIFF'S DEPARTMENT,  
and JORGE ADRIAN ORTEGA-GALLEGOS,  
DEPUTIES AND EMPLOYEES OF SAN  
JUAN COUNTY SHERIFF'S DEPARTMENT  
WHOSE IDENTITIES ARE UNKNOWN AT THIS TIME,

and

WALTER NICKERSON and DAVID KING,  
individually, and as Law Enforcement Officers  
and Employees of CITY OF FARMINGTON  
POLICE DEPARTMENT, and OFFICERS  
AND EMPLOYEES OF FARMINGTON POLICE  
DEPARTMENT WHOSE IDENTITIES ARE  
UNKNOWN AT THIS TIME,

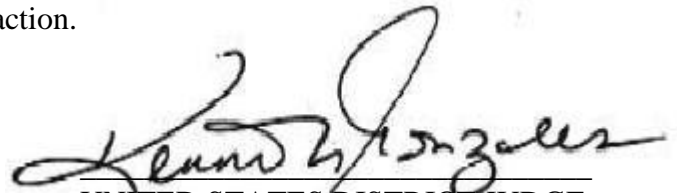
Defendants.

PARTIAL SUMMARY JUDGMENT

Having granted in part by Memorandum Opinion and Order Defendants'<sup>1</sup> Motions for Summary Judgment Based on Qualified Immunity and on Plaintiffs' Inability to Support Claims (Doc. 68),

IT IS ORDERED that

1. summary judgment is entered in favor of Defendants Terry McCoy, Steve Jackson, Dave McCall, Manasseh Begay, Walter Nickerson, and David King, on the Mikes' Section 1983 unlawful search claim, the Section 1983 unlawful seizure claim to the extent the claim deals with the initial stop, and the Section 1983 excessive force claim to the extent the claim deals with pointing weapons at the Mikes and handcuffing William Mike, and these claims are dismissed with prejudice;
2. summary judgment is entered in favor of Defendants Terry McCoy, Steve Jackson, Dave McCall, Manasseh Begay, Walter Nickerson, and David King on the Mikes' state unlawful search claim, the state false arrest/unlawful detention claims to the extent the claims deal with the initial stop, and the state excessive force and assault and battery claims to the extent the claims deal with pointing weapons at the Mikes and handcuffing William Mike, and these claims are dismissed with prejudice; and
3. all claims by Shannon Mike and Georgette Mike, individually, are dismissed without prejudice for lack of standing, and Shannon Mike and Georgette Mike, individually, are terminated as Plaintiffs to this action.



UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Defendants Kory Faulk and Jorge Adrian Ortega-Gallegos have not had counsel enter the case or filed any pro se pleadings. The Court's discussion of "Defendants" excludes Faulk and Ortega-Gallegos.